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## Planning Commission Staff Report

**TO:** PLANNING COMMISSION

**FROM:** SYDNEY BETHEL, PLANNER II *SB*  
(480) 503-6721, SYDNEY.BETHEL@GILBERTAZ.GOV

**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *ajl*  
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

**MEETING DATE:** AUGUST 7, 2019

**SUBJECT:** UP19-15, AZ01-101 STELLA: A CONDITIONAL USE PERMIT FOR APPROX. 0.83 ACRES GENERALLY LOCATED WEST OF THE NORTHWEST CORNER OF COOPER ROAD AND MERRILL AVENUE, TO ALLOW A WIRELESS COMMUNICATION FACILITY IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

**STRATEGIC INITIATIVE:** Exceptional Built Environment

To allow for a new Wireless Communications Facility to help improve the level of wireless service available in the Town of Gilbert.

### RECOMMENDED MOTION

Make the Findings of Fact and approve UP19-15, AZ01-101 Stella: a Conditional Use Permit for approx. 0.83 acres generally located west of the northwest corner of Cooper Road and Merrill Avenue, to allow a Wireless Communication Facility in the Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay, subject to conditions.

#### APPLICANT

Company: Pinnacle Consulting  
Name: Danielle Grigsby  
Address: 1426 N. Marvin St., #101

#### OWNER

Company: M and A Melba LLC  
Name:  
Address: 1426 N. Marvin St., #101

Gilbert, AZ 85233  
Phone: (480) 664-9588  
Email: [Danielle.grigsby@pinnacleco.net](mailto:Danielle.grigsby@pinnacleco.net)

Gilbert, AZ 85233  
Phone: (480) 664-9588  
Email: [ben.feldman@pinnacleco.net](mailto:ben.feldman@pinnacleco.net)

## **BACKGROUND/DISCUSSION**

### **History**

<b>Date</b>	<b>Description</b>
<i>July 8, 2003</i>	Town Council approved Z03-07, rezoning 9.733 acres from Agricultural (AG) to General Commercial (C-2) and 38.41 acres from Agriculture (AG) to Garden Industrial (I-1) for west of Cooper Road and south of Baseline Road.
<i>September 7, 2004</i>	Town Council approved Z04-20 (Ordinance No. 1593) to rezone approx. 37.32 acres from Garden Industrial (I-1) to Garden Industrial (I-1) with a Planned Area Development (PAD) overlay located approx. 700' west of the Cooper Road and Merrill Avenue intersection.
<i>October 11, 2005</i>	The approved Final Plat for the Fuller Commercial Center was recorded within the Maricopa County Records Office.
<i>September 14, 2006</i>	The Design Review Board approved Bowman Concrete (DR06-44), on the subject site.
<i>February 14, 2008</i>	The Design Review Board approved Bowman Brothers Concrete, Storage Yard Expansion (DR07-150) on the subject site.
<i>July 10, 2019</i>	The Planning Commission continued AZ01-101 Stella (UP19-15) to the August 7, 2019 Planning Commission public hearing.

### **Overview**

SunState Towers, on behalf of T-Mobile, is proposing a new Wireless Communications Facility (WCF), which includes a 75' monopole and a 40' by 40' fenced equipment enclosure area. The monopole and enclosure area will be owned by SunState Towers for the use of T-Mobile, allowing them to provide expanded wireless broadband internet and voice services for their customers. The subject site is presently a service yard for a concrete company and is located west of the northwest corner of Cooper Road and Merrill Avenue on approximately 0.83 acres.

### **Surrounding Land Use & Zoning Designations:**

	<b>Existing Land Use Classification</b>	<b>Existing Zoning</b>	<b>Existing Use</b>
North	Light Industrial (LI)	Light Industrial (LI) with PAD overlay	Melody Avenue then Vacant
South	Light Industrial (LI)	Light Industrial (LI) with PAD overlay	Vacant
East	Light Industrial (LI)	Light Industrial (LI)	Vacant
West	Light Industrial (LI)	Light Industrial (LI) with PAD overlay	Auto Repair Shop (Highland Car Care)
Site	Light Industrial (LI)	Light Industrial (LI) with PAD overlay	Bowman Brothers Concrete Storage Yard

### Project Data Table

Site Development Regulations	Required per LDC	Proposed
Monopole Maximum Height (ft.)	75'	75'
Minimum Setbacks (ft.)		
Front (Collector or local)	25'	72'
Side East (Employment)	0'	225'-6"
Side West (Employment)	0'	33'-11"
Rear (Employment)	0'	53'

### DISCUSSION

The request is for a Conditional Use Permit (CUP) to permit a Wireless Communications Facility (WCF) in the form of a 75' monopole in the Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay. The monopole will be located on the southwestern portion of an existing service yard. The enclosure area for the WCF support equipment is approximately 1,600 sf and will be fully enclosed.

The internal portion of the enclosure is completely screened and contains an existing light pole, the monopole, and the supporting ground equipment located on a 10' by 15' concrete pad. The remainder of the internal enclosure area is compacted gravel. The north and east elevations will be comprised of a 2' CMU pony wall with a 6' tall chain link fence topper. The south and west elevation of the enclosure are presently existing 8' CMU walls painted in earth tone colors. Along with the 8' CMU wall, there are also two (2) existing 14' metal gates on the south elevation. This will allow for vehicular access off west Leland Court for periodic maintenance. The existing driveway and curbing off Leland Court is presently existing and will be maintained.

### FINDINGS

The Planning Commission is required to make four (4) findings in order to approve a Conditional Use Permit and an additional three (3) findings specific to approve a Wireless Communications Facility (WCF). The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

- 1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.***

The site is zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay and is located within an existing service yard for a concrete company. The closest commercial area is located over 600' to the east, Shoppes at Gilbert Commons; the nearest residential area, Cooper Ranch, is located over 500' to the south; and the closest arterial road Cooper Road is approximately 1300' feet to the east of the site. The internal location of the site within an industrial area is ideal for a monopole to provide concealment from the general public. The buffer from residential and the public view in general mitigates possible impacts that may arise,

and staff finds that the proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.

***2. The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.***

The request for a CUP to build a new WCF in the Light Industrial (LI) zoning district meets the intent of the Town of Gilbert General Plan Chapter 2, Land Use and Growth Areas Element, providing for public and private infrastructure expansion. By allowing the WCF installation, existing service will be optimized and the WCF will provide for the future needs of the area.

***3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.***

As conditioned, the proposed WCF complies with the WCF Site Development Regulations, Light Industrial (LI) Site Development Regulations, and Ordinance No. 1593. Compliance with existing standards has been demonstrated within the submitted plans. State and Federal requirements are being met, and all other applicable requirements have been met and will be confirmed with final plan submittal.

***4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.***

Access to the proposed WCF is off Leland Court, an existing cul-de-sac, and through an existing driveway and gate located on the subject site. No modifications are proposed to the external enclosure area providing little impacts, if any, to the existing business within the area. The WCF will be unmanned and will only be accessed for periodic maintenance. As proposed, staff finds that the proposed use would not unreasonably interfere with the use and enjoyment of nearby properties.

And the additional findings for WCF required by Section 4.705 of the LDC, as follows:

***A. The proposed WCF conforms with the requirements of Article 4.7;***

The application conforms to all requirements of Article 4.7 of the LDC with respect to height and setback requirements as well as screening and aesthetics.

***B. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element; and***

An inventory analysis was completed by the applicant for existing towers within the area. Per the applicant, of the towers identified in close proximity to the area, they were either too far to be of service to the area in need or not co-locatable. Per the applicant, a new tower is required when all other options are not available to keep up with the growth that



has been seen within the industry in regards to increased subscriber base, the increase in the number of subscribers, and a demand for bandwidth per subscriber.

- C. The visibility of the WCF is reduced to the extent feasible by decreasing its height, increasing its setback, locating it in proximity to other structures, using antenna designs which minimize horizontal projections, constructing it with colors and materials that de-emphasize its visibility.***

The proposed monopole is located within an existing industrial center out of major public view. The ground equipment is fully concealed and located internal to the site. The monopole does not have any concealment measures, but the simplistic metal design aligns with the industrial area. A concealment measure such as monopalm would likely draw more attention to the WCF due to the existing surrounding environment. The surrounding area and location makes the design and non-concealment measures adequate for the proposed monopole.

Pursuant to the above analysis, Staff is of the opinion that the project meets the seven (7) findings required for granting this Conditional Use Permit for a Wireless Communications Facility (WCF).

### **PUBLIC NOTIFICATION AND INPUT**

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

Staff has received one comment from the public. A resident from the neighborhood located to the south of the subject site stated opposition to the project on the grounds that they believed that the addition of the monopole would negatively impact the quality of life of the nearby residents.

### **PROPOSITION 207**

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

### **STAFF RECOMMENDATION**

Make the Findings of Fact and approve UP19-15, AZ01-101 Stella: a Conditional Use Permit for approx. 0.83 acres generally located west of the northwest corner of Cooper Road and Merrill Avenue, to allow a Wireless Communication Facility in the Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay, subject to conditions:

1. The Project shall be in substantial conformance with the site plan and elevations/details shown on the Exhibits provided under Attachment No. 4 & Attachment No. 5.
2. All operating equipment shall be concealed and located within the enclosure area.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'SB' or 'Sydney Bethel'.

Sydney Bethel  
Planner II

**Attachments and Enclosures:**

- 1) Findings of Fact
- 2) Notice of Public Hearing
- 3) Aerial Photo
- 4) Site Plan
- 5) Elevations
- 6) Photo Simulations

**FINDINGS OF FACT**  
**UP19-15, AZ01-101**

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

And the additional findings for WCF required by Section 4.705 of the LDC, as follows:

- A. The proposed WCF conforms with the requirements of Article 4.7;*
- B. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element; and*
- C. The visibility of the WCF is reduced to the extent feasible by decreasing its height, increasing its setback, locating it in proximity to other structures, using antenna designs which minimize horizontal projections, constructing it with colors and materials that de-emphasize its visibility.*

## **Notice of Public Hearing**

**PLANNING COMMISSION DATE:**

**Wednesday, July 10, 2019\* TIME: 6:00 PM**

**LOCATION: Gilbert Municipal Center  
Council Chambers  
50 E. Civic Center Drive**

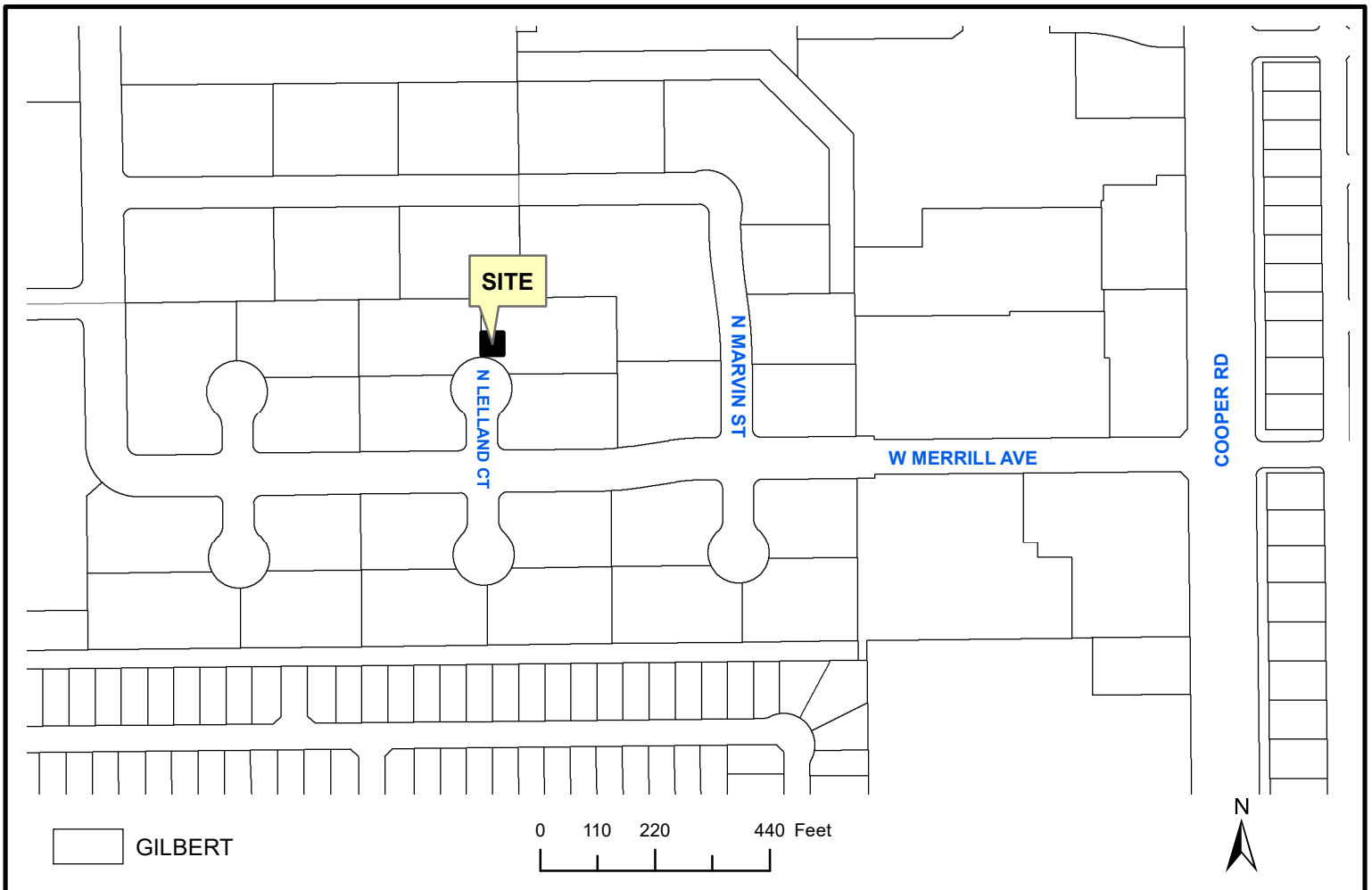
\* Call Planning Division to verify date  
and time: (480) 503-6721

\* The application is available for public review at the Town of Gilbert Development Services Department Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available prior to the meeting at <https://www.gilbertaz.gov/departments/clerk-s-office/boards-commissions/current-boards/planning-commission>

### **REQUESTED ACTION:**

UP19-15 AZ01-101 STELLA: Request to approve a Conditional Use Permit for approximately .83 acres of real property located west of the northwest corner of Cooper Road and Merrill Avenue to permit a Wireless Communication Facility (75' feet high) in the Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay.

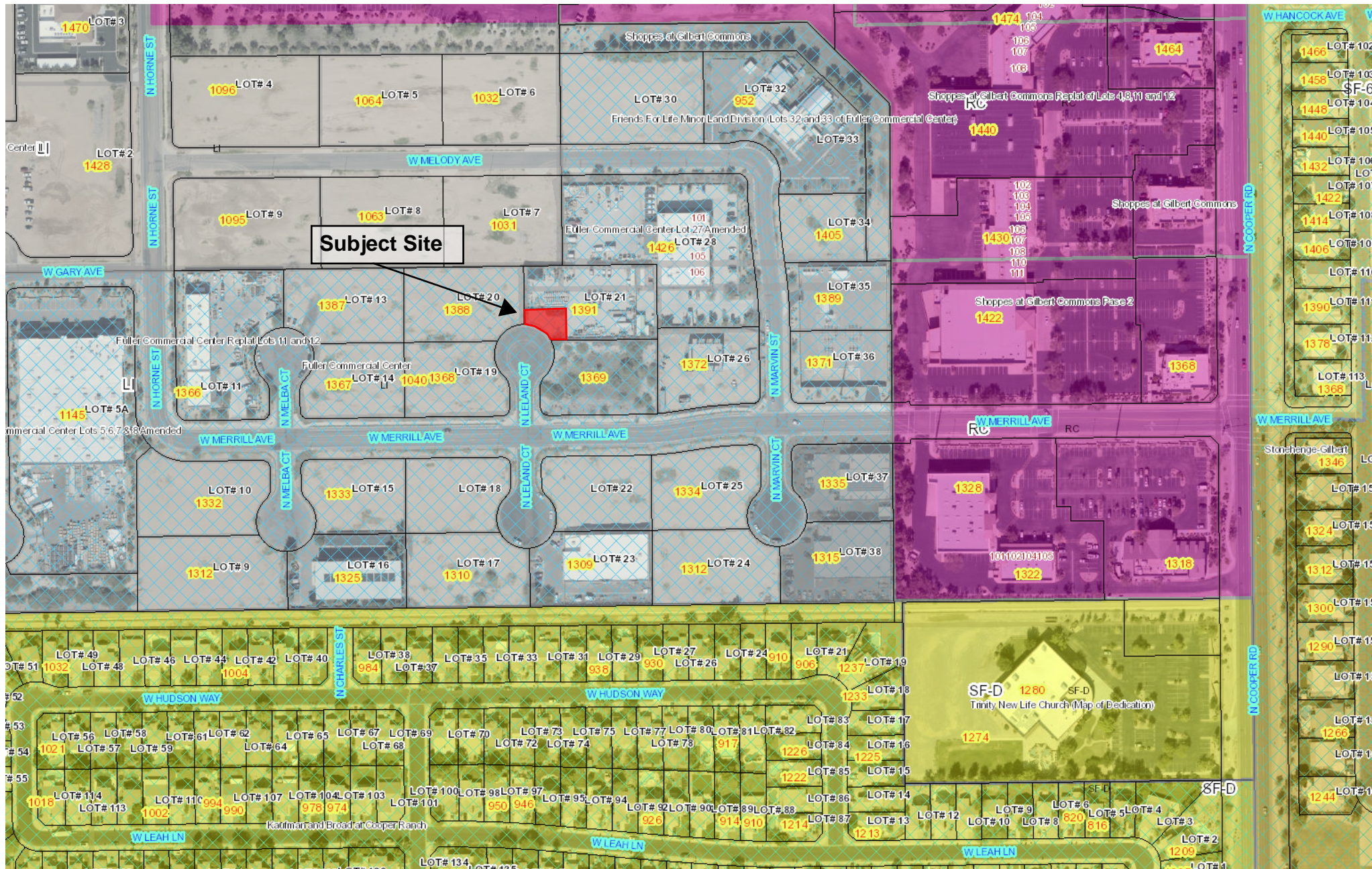
### **SITE LOCATION:**



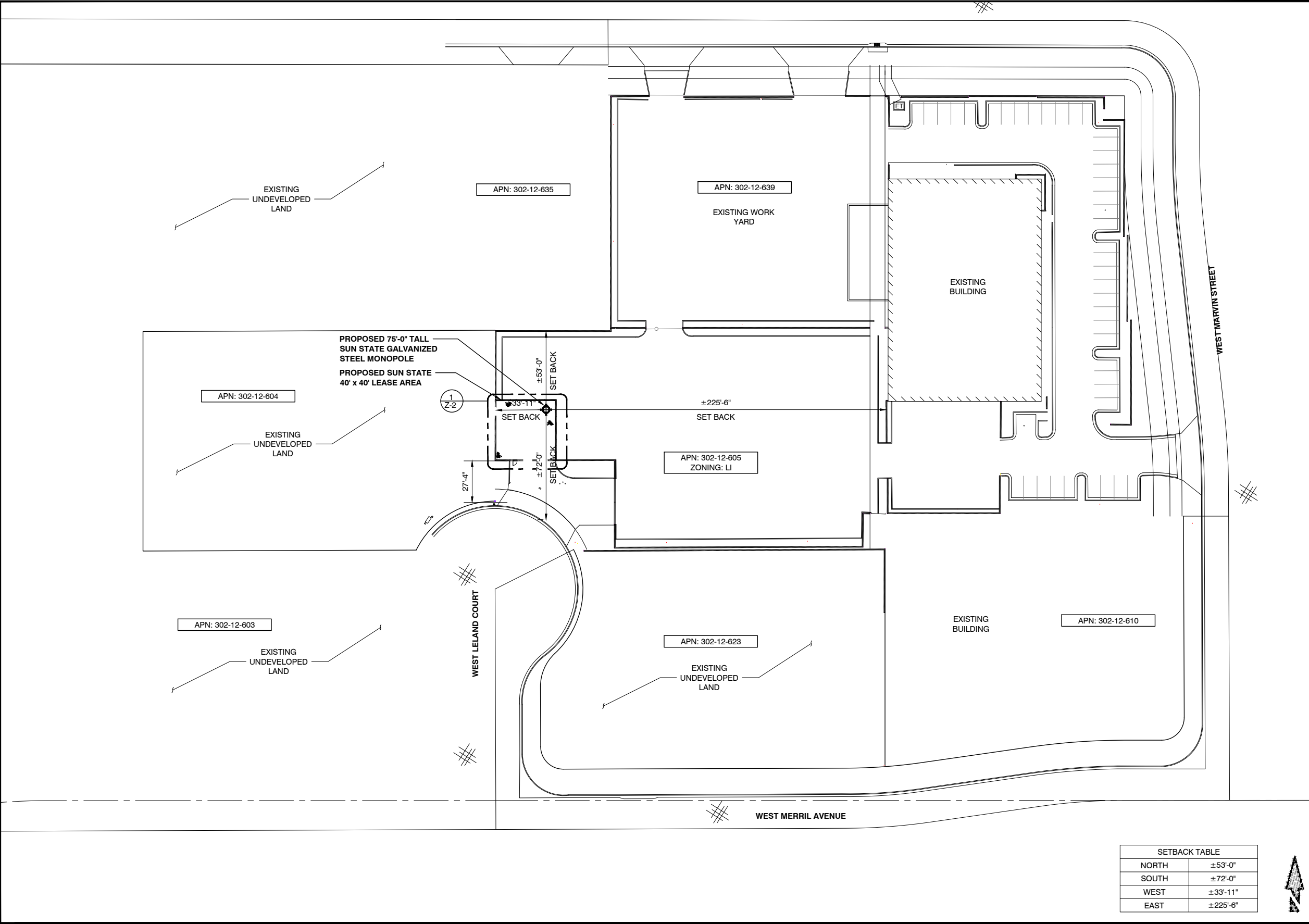
**APPLICANT: Pinnacle Consulting**  
**CONTACT: Danielle Grigsby**  
**ADDRESS: 1426 N. Marvin St., #101**  
**Gilbert, AZ 85233**

**TELEPHONE: (480) 664-9588, Ext. 238**  
**E-MAIL: [danielle.grigsby@pinnacleco.net](mailto:danielle.grigsby@pinnacleco.net)**









PREPARED FOR:

**SUN STATE  
TOWERS**

1426 NORTH MARVIN STREET #101  
GILBERT, AZ 85233  
PHONE: 480-664-9588 - FAX 480-664-9850

CONSULTING FIRM

**PINNACLE  
CONSULTING, INC.**

Construction - Project Management - Site Development

1426 N. MARVIN STREET #101  
GILBERT, AZ 85233

PROJECT NO: AZ01-101

DRAWN BY: LB

CHECKED BY: KF

REV	DATE	DESCRIPTION	BY
A	02/14/19	90% ZONING	LB
0	03/13/19	FINAL ZONING	KAF
1	05/23/19	ZONING COMMENTS	M.G.

**FINAL  
FOR ZONING  
ONLY**

**AZ01-101 STELLA**

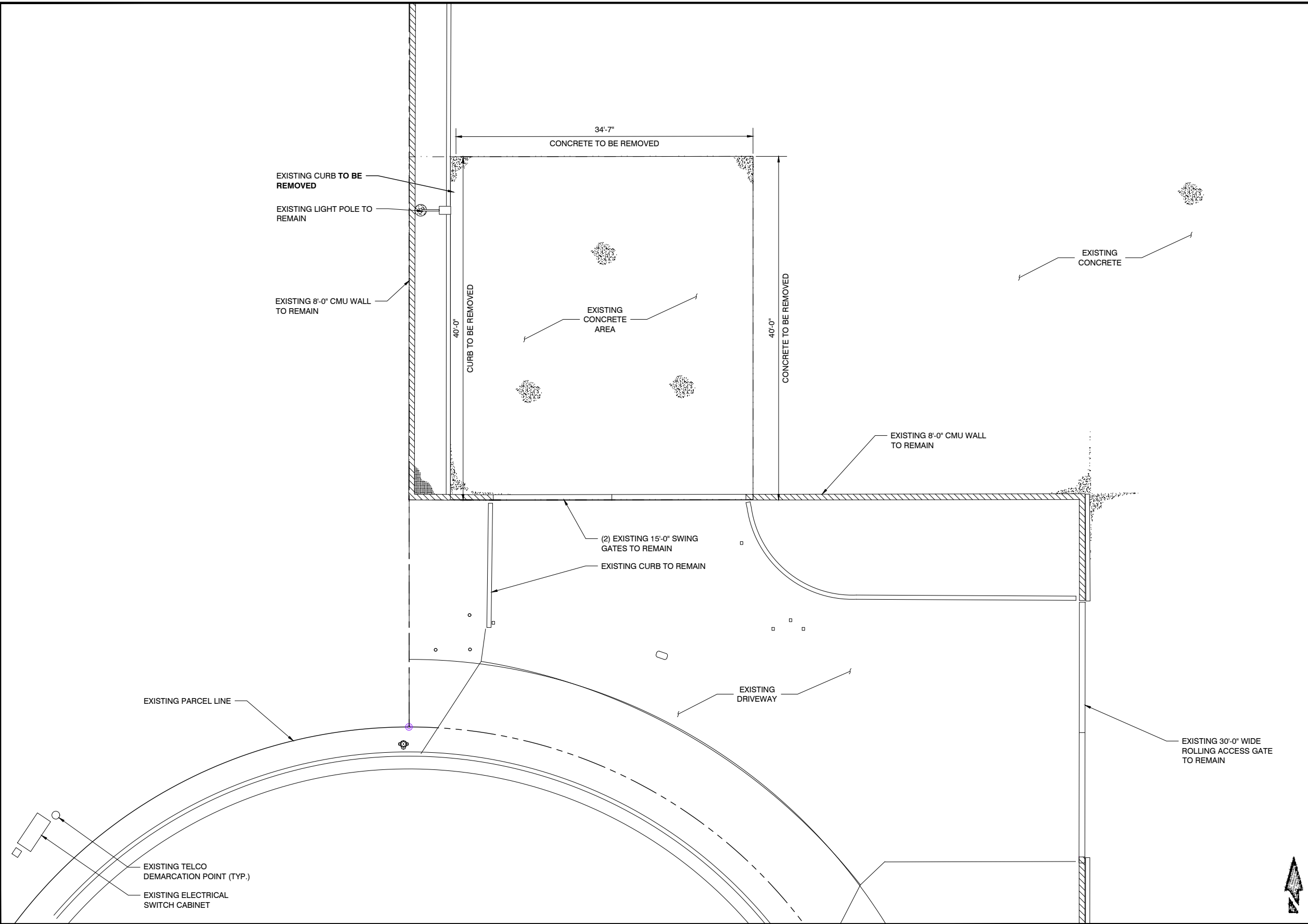
1389 N LELAND CT  
GILBERT, AZ 85233  
MARICOPA COUNTY

SHEET TITLE

**SITE PLAN**

SHEET NUMBER

**Z-1**



EXISTING ENLARGED SITE PLAN

24"x36" SCALE: 3/16" = 1'-0"  
11"x17" SCALE: 3/32" = 1'-0"

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TOWERS**

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CONSULTING FIRM



**PINNACLE  
CONSULTING, INC.**

Construction - Project Management - Site Development

1426 N. MARVIN STREET #101  
GILBERT, AZ 85233

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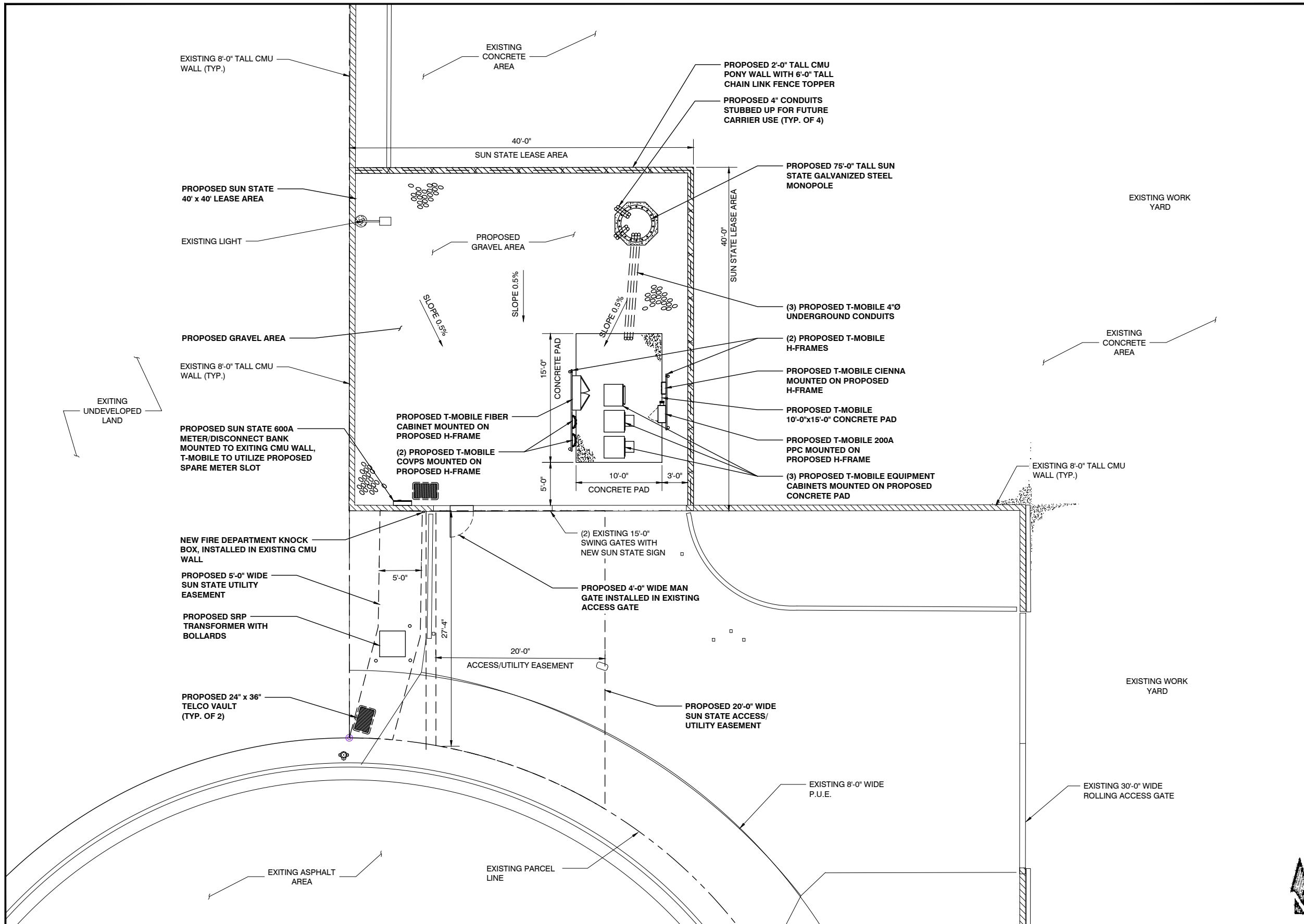
**FINAL  
FOR ZONING  
ONLY**

AZ01-101 STELLA

1389 N LELAND CT  
GILBERT, AZ 85233  
MARICOPA COUNTY

SHEET TITLE  
EXISTING ENLARGED  
SITE PLAN

SHEET NUMBER  
**Z-2**



NEW SITE PLAN

24"x36" SCALE: 3/16" = 1'-0"  
11"x17" SCALE: 3/32" = 1'-0"

1

PREPARED FOR:



**SUN STATE  
TOWERS**

1426 NORTH MARVIN STREET #101  
GILBERT, AZ 85233  
PHONE: 480-664-9588 - FAX 480-664-9850

CONSULTING FIRM



**PINNACLE  
CONSULTING, INC.**

Construction - Project Management - Site Development

1426 N. MARVIN STREET #101  
GILBERT, AZ 85233

PROJECT NO: A201-101

DRAWN BY: LB

CHECKED BY: KF

REV	DATE	DESCRIPTION	BY
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0	03/13/19	FINAL ZONING	KAF
1	05/23/19	ZONING COMMENTS	M.G.

**FINAL  
FOR ZONING  
ONLY**

STELLA

1389 N LELAND CT  
GILBERT, AZ 85233  
MARICOPA COUNTY

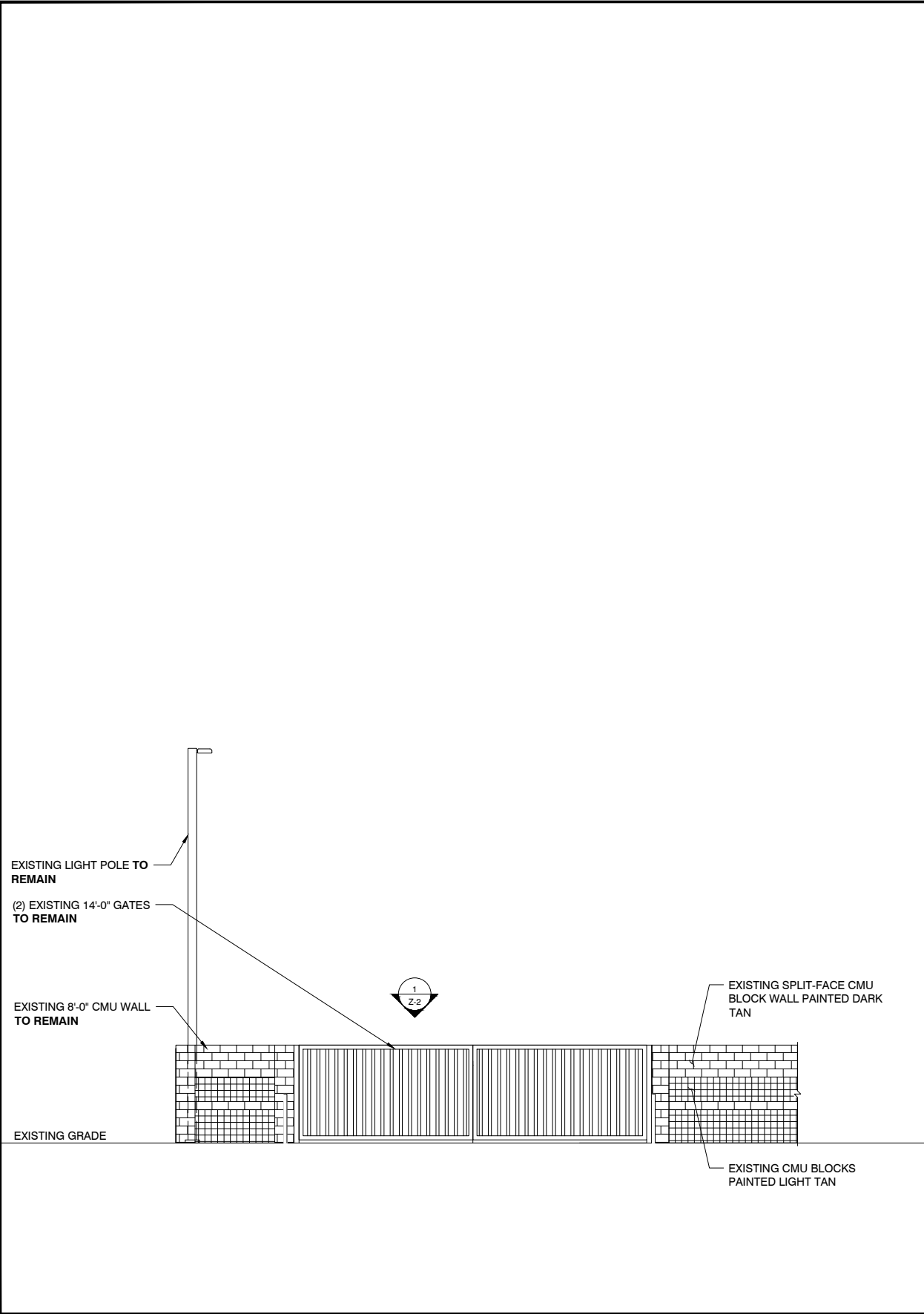
SHEET TITLE

**NEW ENLARGED SITE  
PLAN**

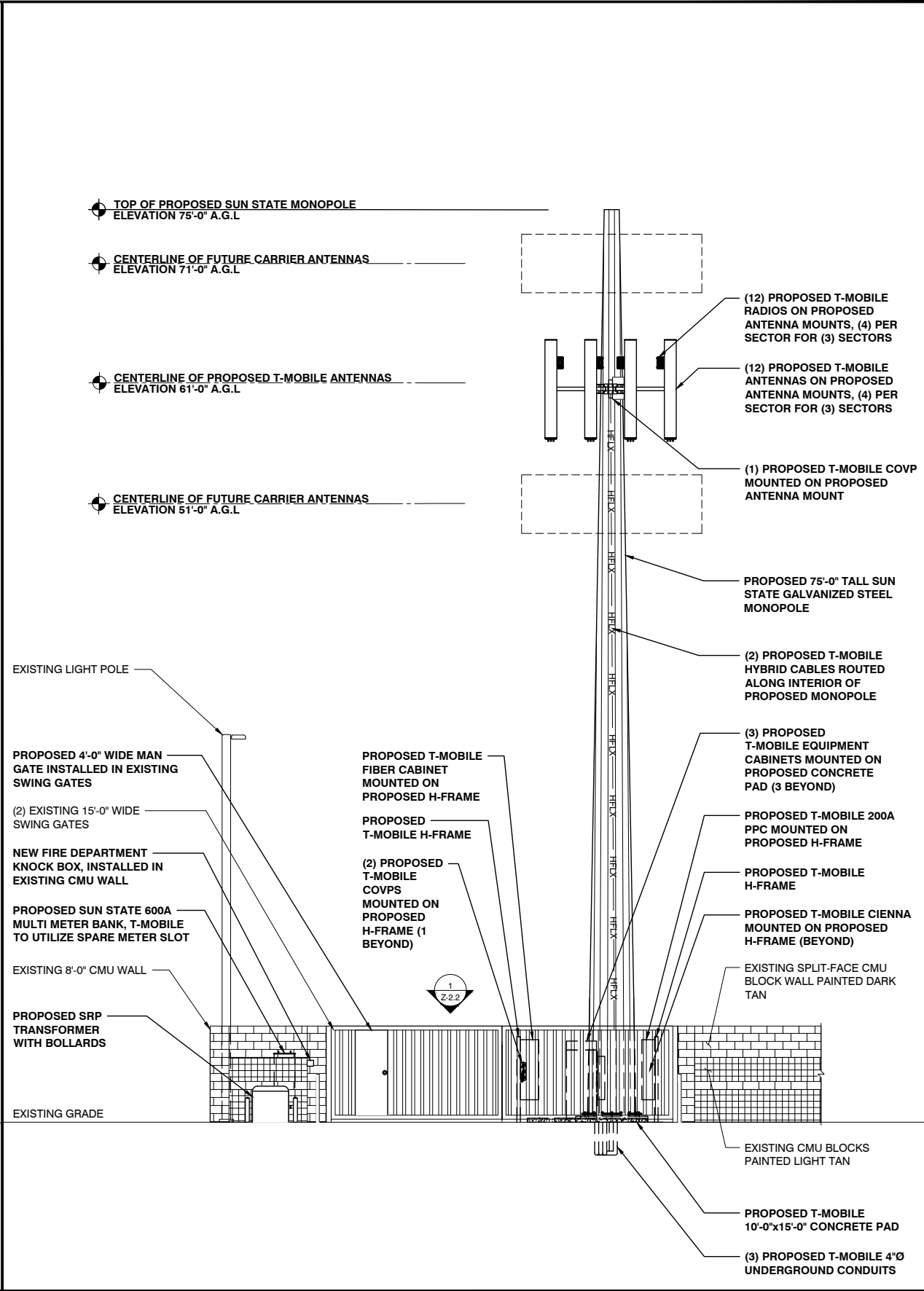
SHEET NUMBER

**Z-2.2**





EXISTING SOUTH ELEVATION 24"x36" SCALE: 3/16" = 1'-0" 11"x17" SCALE: 3/32" = 1'-0" 1



NEW SOUTH ELEVATION 24"x36" SCALE: 3/16" = 1'-0" 11"x17" SCALE: 3/32" = 1'-0" 2

PREPARED FOR:

**SUN STATE TOWERS**

1426 NORTH MARVIN STREET #101  
GILBERT, AZ 85233  
PHONE: 480-664-9588 - FAX 480-664-9850

CONSULTING FIRM

**PINNACLE CONSULTING, INC.**

Construction - Project Management - Site Development

1426 N. MARVIN STREET #101  
GILBERT, AZ 85233

PROJECT NO:	AZ01-101
DRAWN BY:	LB
CHECKED BY:	KF

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1	05/23/19	ZONING COMMENTS	M.G.

**FINAL  
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ONLY**

**AZ01-101 STELLA**

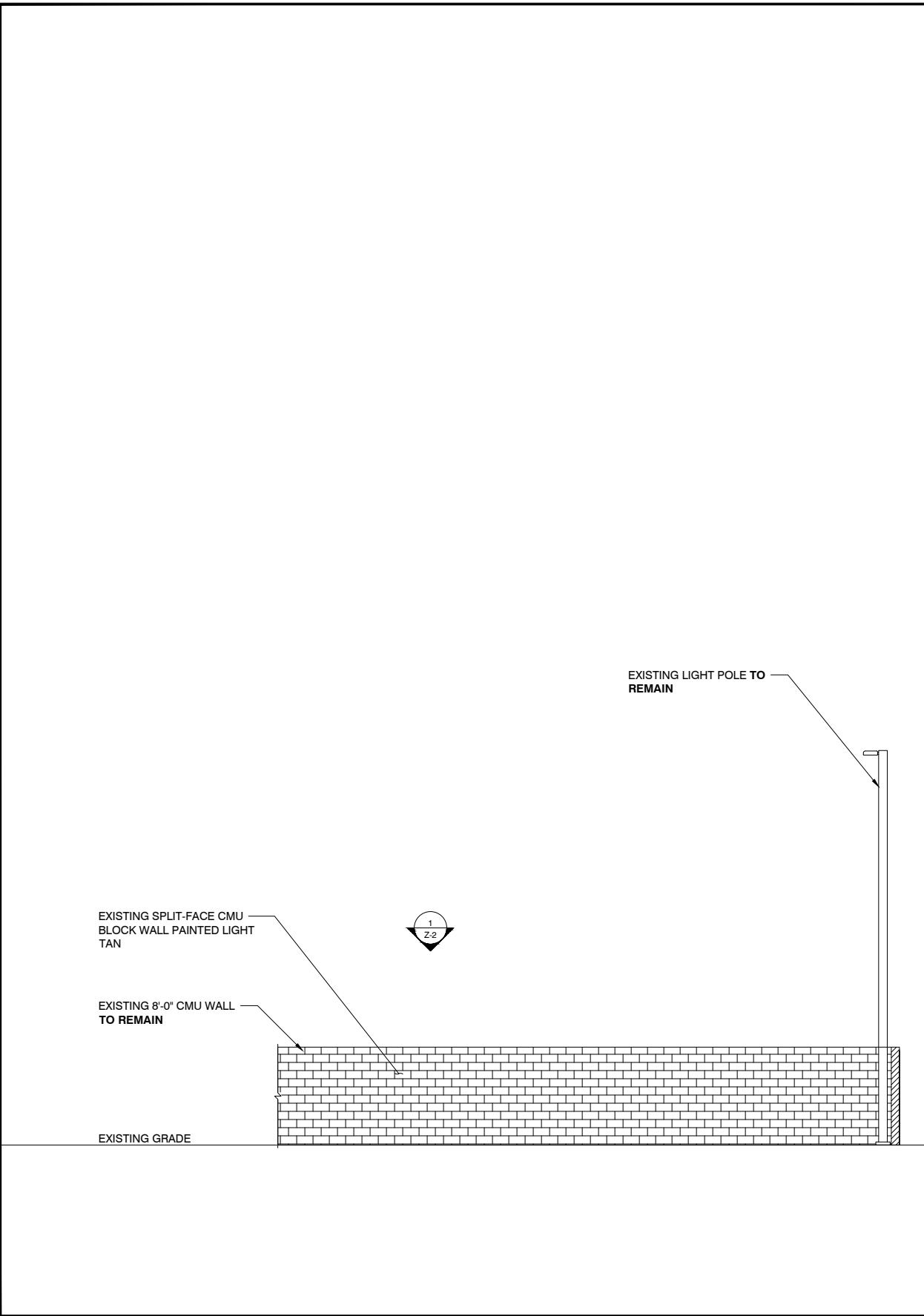
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GILBERT, AZ 85233  
MARICOPA COUNTY

SHEET TITLE

**ELEVATIONS**

SHEET NUMBER

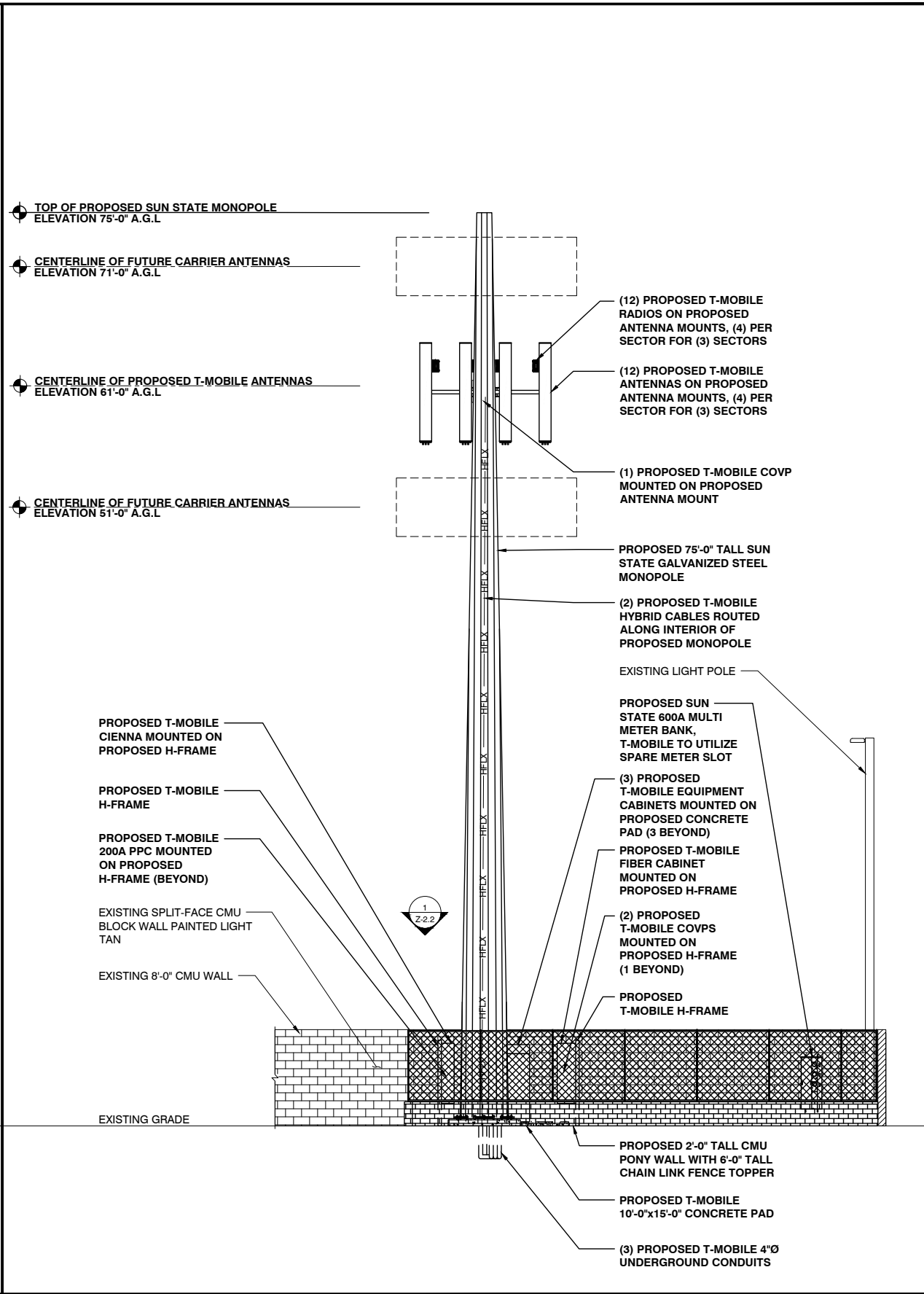
**Z-3**



EXISTING NORTH ELEVATION

24"x36" SCALE: 3/16" = 1'-0"  
11"x17" SCALE: 3/32" = 1'-0"

1



NEW NORTH ELEVATION

24"x36" SCALE: 3/16" = 1'-0"  
11"x17" SCALE: 3/32" = 1'-0"

2

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**SUN STATE  
TOWERS**

1426 NORTH MARVIN STREET #101  
GILBERT, AZ 85233  
PHONE: 480-664-9588 - FAX 480-664-9850

CONSULTING FIRM



**PINNACLE**  
CONSULTING, INC.

Construction - Project Management - Site Development

1426 N. MARVIN STREET #101  
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**FINAL  
FOR ZONING  
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**STELLA**

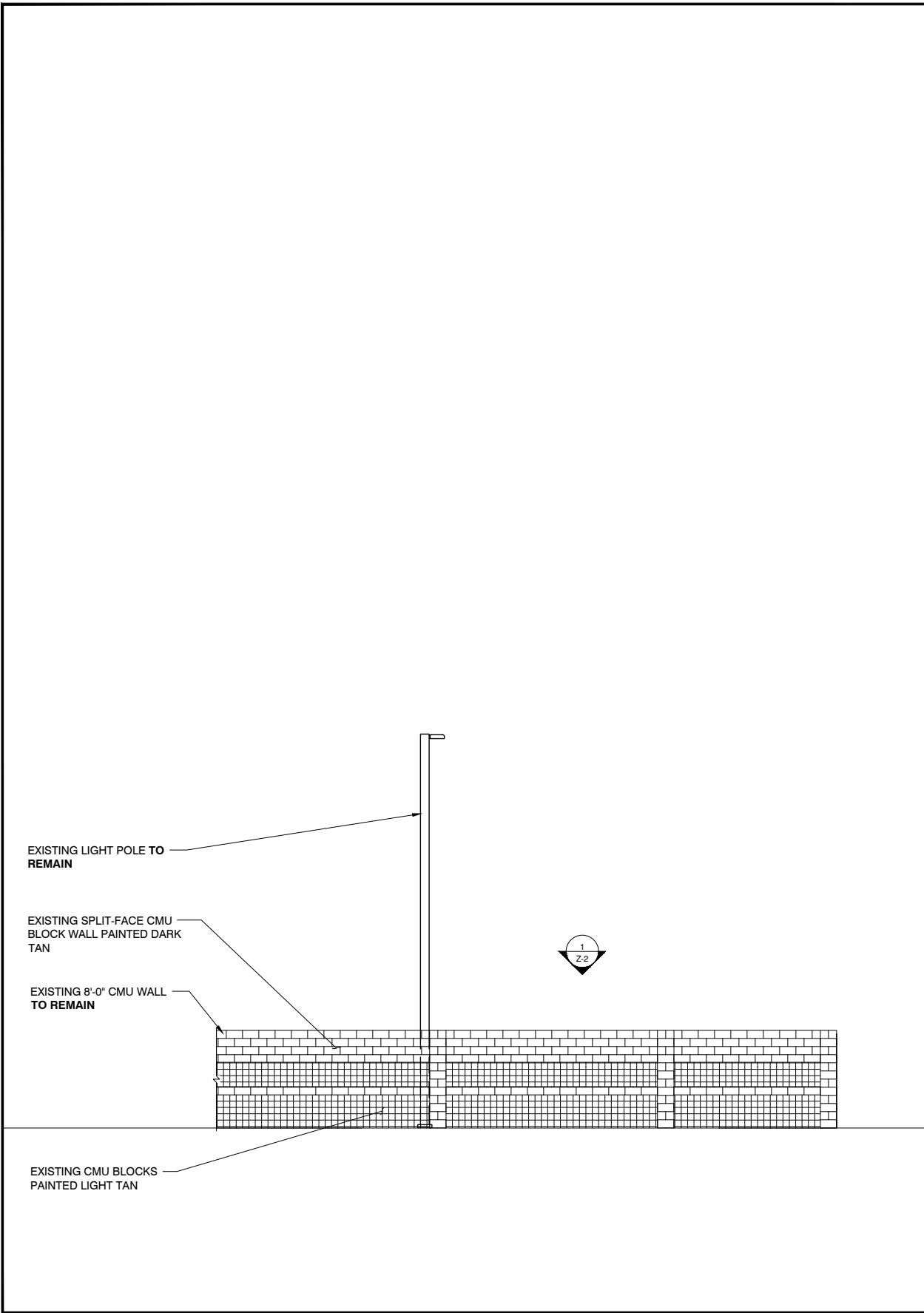
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SHEET TITLE

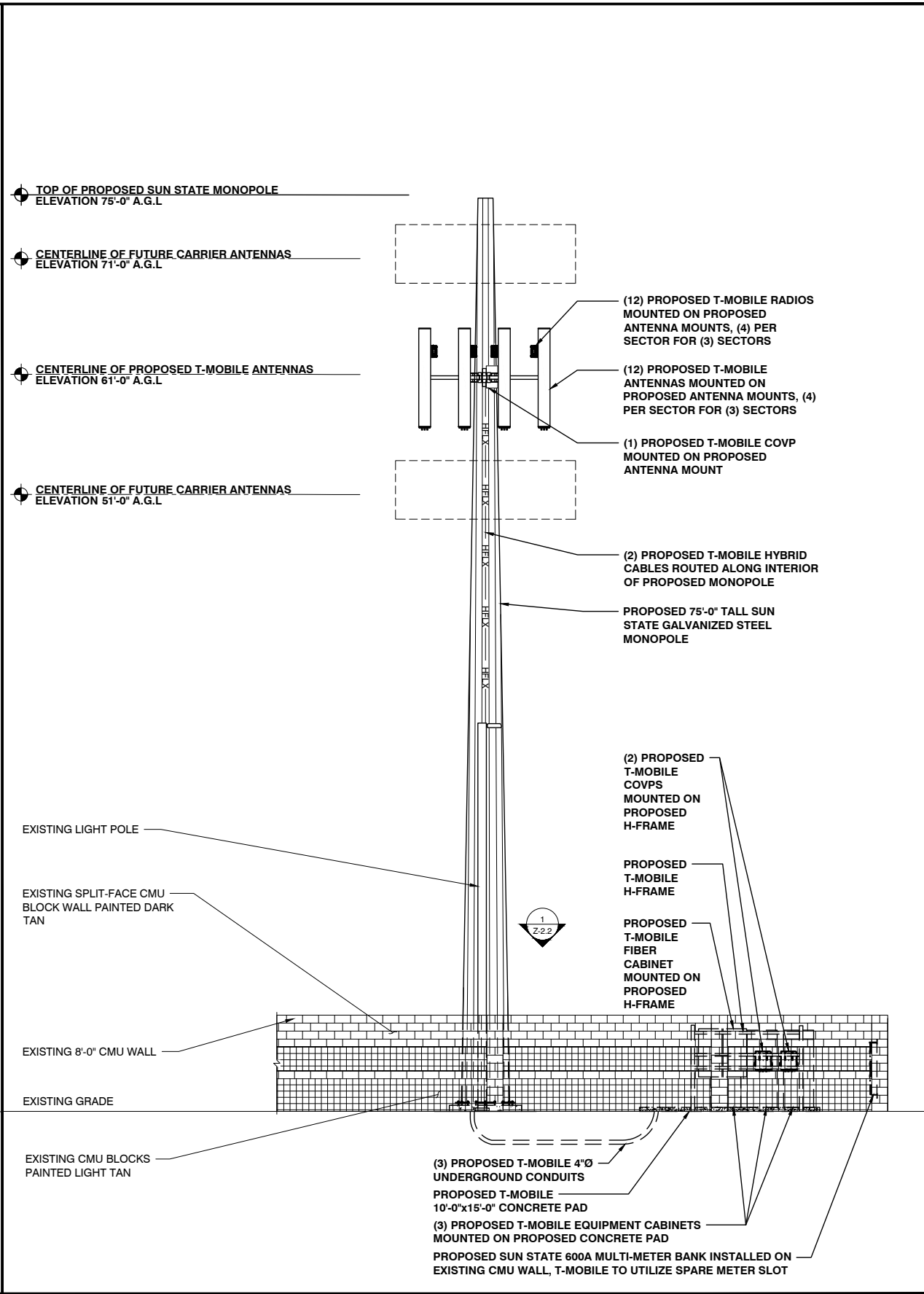
**ELEVATIONS**

SHEET NUMBER

**Z-4**



EXISTING WEST ELEVATION



NEW WEST ELEVATION

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**SUN STATE  
TOWERS**

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GILBERT, AZ 85233  
PHONE: 480-664-9588 - FAX 480-664-9850

CONSULTING FIRM



**PINNACLE  
CONSULTING, INC.**

Construction - Project Management - Site Development

1426 N. MARVIN STREET #101  
GILBERT, AZ 85233

PROJECT NO:	AZ01-101
DRAWN BY:	LB
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1	05/23/19	ZONING COMMENTS	M.G.

**FINAL  
FOR ZONING  
ONLY**

AZ01-101 STELLA

1389 N LELAND CT  
GILBERT, AZ 85233  
MARICOPA COUNTY

SHEET TITLE

ELEVATIONS

SHEET NUMBER

**Z-5**





Location Map



Proposed

Notes: 418' from proposed site, looking East.

These depictions are for demonstrative purposes only.  
They are to be used in addition to the engineering drawings for an accurate representation of the site



Existing

Applicant

T-Mobile  
2625 S. Plaza Drive, #400  
Tempe, AZ 85282

Contact

PINNACLE  
CONSULTING, INC  
1426 North Marvin Street, Suite 101  
Gilbert, AZ 85233



Site: AZ01-101 Stella / PH60400



Address: 1389 N. Leland Ct. ~ Gilbert, AZ 85233



Location Map



Proposed 75'-0" Tall  
Sun State Monopole

Proposed

Notes: 457' from proposed site, looking Northeast.

These depictions are for demonstrative purposes only.  
They are to be used in addition to the engineering drawings for an accurate representation of the site



Existing

Applicant



2625 S. Plaza Drive, #400  
Tempe, AZ 85282

Contact



1426 North Marvin Street, Suite 101  
Gilbert, AZ 85233



Site: AZ01-101 Stella / PH60400



Address: 1389 N. Leland Ct. ~ Gilbert, AZ 85233

03/26/2019 **View 3**



Location Map



Proposed

Notes: 397' from proposed site, looking West-Northwest.

These depictions are for demonstrative purposes only.  
They are to be used in addition to the engineering drawings for an accurate representation of the site



Existing

Applicant

**T-Mobile**  
2625 S. Plaza Drive, #400  
Tempe, AZ 85282

Contact

**PINNACLE**  
CONSULTING, INC  
1426 North Marvin Street, Suite 101  
Gilbert, AZ 85233



Site: AZ01-101 Stella / PH60400



Address: 1389 N. Leland Ct. ~ Gilbert, AZ 85233



Location Map



Proposed

Notes: 540' from proposed site, looking Southwest.

These depictions are for demonstrative purposes only.  
They are to be used in addition to the engineering drawings for an accurate representation of the site



Existing

Applicant

**T-Mobile**  
2625 S. Plaza Drive, #400  
Tempe, AZ 85282

Contact

**PINNACLE**  
CONSULTING, INC  
1426 North Marvin Street, Suite 101  
Gilbert, AZ 85233